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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,154	08/08/2003	Lydia Drews-Nicolai	903-007 (TG169 US)	6063
24295	7590	05/22/2006		
Rodney T. Hodgson, Ph.D. 822 Pines Bridge Rd. Ossining, NY 10562			EXAMINER HAILEY, PATRICIA L	
			ART UNIT 1755	PAPER NUMBER
DATE MAILED: 05/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/638,154

Applicant(s)

DREWS-NICOLAI ET AL.

Examiner

Patricia L. Hailey

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-24,26-31,34,35,40,42-45,47-50 and 52-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3, 5-24,26-31,34,35,40,42-45,47-50 and 52-61 is/are allowed.
- 6) ☒ Claim(s) 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Applicants' remarks and amendments, filed on March 8, 2006, have been carefully considered. Claims 2, 25, 41, and 51 have been canceled; no new claims have been added.

Claims 1, 3-24, 26-31, 34, 35, 40, 42-45, 47-50, and 52-61 remain pending in this application.

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Applicants' Priority Document was filed on October 30, 2003.

### *Withdrawn Objections and Rejections*

The 112(1) rejections of claims 1-31, 34, and 35 stated in the previous Office Action have been withdrawn in view of Applicants' persuasive arguments traversing this rejection.

The objection to claims 6 and 7 stated in the previous Office Action has been withdrawn in view of Applicants' amendments thereto.

The 103(a) rejection of claims 1, 3-5, 8-15, 23, 24, 34, 35, 40, 42, 44, 45, 48, and 50-52) as being unpatentable over Takahashi et al. (U. S. Patent Application Publication No. 2005/0228112), stated in the previous Office Action, has been withdrawn in view of Applicants' amendments to the instant claims.

As stated in the previous Office Action, Takahashi et al. do not teach or suggest the addition of a magnesium compound.

### *New Ground of Rejection*

The following New Grounds of Rejection are being made in view of Applicants' amendment to claim 4,

### *Claim Rejections - 35 USC § 112*

2. *Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 4, as now amended to depend from claim 1, lacks antecedent basis for the limitation "inorganic phosphorus compound". Claim 1 merely recites "a phosphorus compound" (see line 2 therein). Claim 3, from which claim 4 originally depended, recites the limitation "inorganic phosphorus compound".

### *New Objection*

#### *Specification*

3. *The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:*

The Specification does not specifically include the limitation "wherein no significant amount of zirconium compound is or has been added to the aqueous solution of titanium dioxide base material", as it appears in Applicants' independent claims in their present form, and in claim 44 (originally numbered as claim 46; see Applicants' claims as of August 8, 2003).

*Allowable Subject Matter*

4. Claims 1, 3, 5-24, 26-31, 34, 35, 40, 42-45, 47-50, and 52-61 are allowed.
5. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. The following is a statement of reasons for the indication of allowable subject matter:

The claims have been amended to include a magnesium containing material, which is not disclosed or suggested by Takahashi et al.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

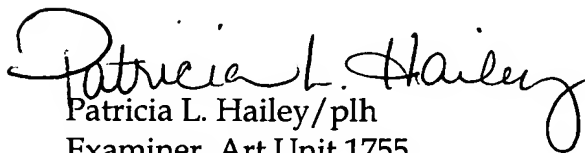
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, reading "Patricia L. Hailey". The signature is written in dark ink and is positioned above the printed name and title.

Patricia L. Hailey/plh  
Examiner, Art Unit 1755  
May 18, 2006